

CS FOR HOUSE BILL NO. 8(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 3/29/23

Referred: Rules

Sponsor(s): REPRESENTATIVES CARRICK, Mina, Prax, Sumner, Ruffridge, Galvin, C.Johnson, Josephson, Schrage, Himschoot, Groh

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electric-assisted bicycles; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advisable in
5 accordance with AS 44.62 (Administrative Procedure Act) for

6 (1) setting apart game reserve areas, refuges, and sanctuaries in the
7 water or on the land of the state over which it has jurisdiction, subject to the approval
8 of the legislature;

9 (2) establishing open and closed seasons and areas for the taking of
10 game;

11 (3) establishing the means and methods employed in the pursuit,
12 capture, taking, and transport of game, including regulations, consistent with resource
13 conservation and development goals, establishing means and methods that may be
14 employed by persons with physical disabilities; **the regulations must provide that an**
15 **area that is closed to the use of motorized vehicles for hunting is also closed to the**

use of electric-assisted bicycles for hunting, except for use by residents holding a valid permanent identification card issued under AS 16.05.400(b) or who are disabled veterans; in this paragraph, "disabled veteran" means a person described under AS 16.05.341(1) or (2);

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators, or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits, and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed;

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game;

(11) taking game to ensure public safety;

(12) regulating the activities of persons licensed to control nuisance wild birds and nuisance wild small mammals;

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

* **Sec. 2.** AS 19.10.399(9) is amended to read:

(9) "motor vehicle" means a vehicle that is self-propelled, except **for** a vehicle moved by human or animal power; **"motor vehicle" does not include an electric-assisted bicycle as defined in AS 28.90.990(a);**

* **Sec. 3.** AS 19.10.399(16) is amended to read:

(16) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or

1 customary usage and that is open to the public for purposes of pedestrian or vehicular
 2 travel, and which way or area may be restricted in use to pedestrians, bicycles, or other
 3 specific types of vehicles as determined by the Department of Public Safety or other
 4 agency having jurisdiction over the way, path, or area; **in this paragraph, "bicycle"**
 5 **has the meaning given in AS 28.90.990(a).**

6 * Sec. 4. AS 28.05.011(a) is amended to read:

7 (a) The commissioner of public safety shall, unless otherwise provided by
 8 statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure
 9 Act) necessary to carry out the provisions of this title and other statutes whose
 10 administration is vested in the Department of Public Safety. The regulations must
 11 include

12 (1) rules of the road relating to the driving, stopping, standing, parking,
 13 and other conduct of vehicles, to pedestrians, and to official traffic control devices;
 14 regulations adopted under this paragraph may not prohibit the use of an electric
 15 personal motor vehicle **or an electric-assisted bicycle** on a sidewalk, bike path, or
 16 vehicular way or area restricted to the use of pedestrians; limitations on regulation of
 17 electric personal motor vehicles **or electric-assisted bicycles** imposed under this
 18 paragraph do not apply to a municipal ordinance regulating electric personal motor
 19 vehicles, **electric-assisted bicycles, or specific classes of electric-assisted bicycles,**
 20 enacted to meet local requirements; **unless otherwise specified by regulation,**

21 **(A) an electric-assisted bicycle is considered a bicycle and**
 22 **may not be regulated as another type of vehicle; and**

23 **(B) a user of an electric-assisted bicycle shall be afforded**
 24 **the same rights and be subject to the same duties as a user of a bicycle;**

25 (2) minimum equipment for vehicles, including minimum standards of
 26 compliance to be met by manufacturers and vehicle sales and repairs businesses;

27 (3) inspection of vehicles other than commercial motor vehicles, and
 28 the removal of vehicles from areas of public use when they are found to be in a
 29 defective or unsafe condition;

30 (4) abandonment of vehicles;

31 (5) management of records of the Department of Public Safety

1 required for that department's administration of this title and its regulations adopted
 2 under this title, including provisions for ensuring the accuracy of information
 3 contained in automated and manual information retrieval systems;

4 (6) definitions of words and phrases used in this title and in regulations
 5 adopted under this title unless otherwise provided by statute;

6 (7) certification and regulation of junk yards.

7 * **Sec. 5.** AS 28.10.011 is amended to read:

8 **Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven,
 9 moved, or parked on [UPON] a highway or other public parking place in the state
 10 shall be registered under this chapter except when the vehicle is

11 (1) driven or moved on a highway only for the purpose of crossing the
 12 highway from one private property to another, including an implement of husbandry
 13 as defined by regulation;

14 (2) driven or moved on a highway under a dealer's plate or temporary
 15 permit as provided for in AS 28.10.031 and 28.10.181(j);

16 (3) special mobile equipment as defined by regulation;

17 (4) owned by the United States;

18 (5) moved by human or animal power;

19 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
 20 Relief Act);

21 (7) driven or parked only on private property;

22 (8) the vehicle of a nonresident as provided under AS 28.10.121;

23 (9) transported under a special permit under AS 28.10.151;

24 (10) being driven or moved on a highway, vehicular way, or a public
 25 parking place in the state that is not connected by a land highway or vehicular way to

26 (A) the land-connected state highway system; or

27 (B) a highway or vehicular way with an average daily traffic
 28 volume greater than 499;

29 (11) an implement of husbandry operated in accordance with the
 30 provisions of AS 19.10.065;

31 (12) an electric personal motor vehicle;

1 **(13) an electric-assisted bicycle.**

2 * **Sec. 6.** AS 28.90.990(a)(12) is amended to read:

3 (12) "electric personal motor vehicle" means an electric personal
4 assistive mobility device that is a self-balancing vehicle with two nontandem wheels,
5 designed to transport only one person, has an electric propulsion system, and has a
6 maximum speed of not more than 15 miles an hour; **"electric personal motor
7 vehicle" does not include an electric-assisted bicycle;**

8 * **Sec. 7.** AS 28.90.990(a)(18) is amended to read:

9 (18) "motor vehicle" means a vehicle **that** [WHICH] is self-propelled,
10 except **for** a vehicle moved by human or animal power; **"motor vehicle" does not
11 include an electric-assisted bicycle;**

12 * **Sec. 8.** AS 28.90.990(a)(19) is amended to read:

13 (19) "motorcycle" means a vehicle having a seat or saddle for the use
14 of the rider and designed to travel on not more than three wheels in contact with the
15 ground; **"motorcycle" [THE TERM] does not include a tractor or an electric-
16 assisted bicycle;**

17 * **Sec. 9.** AS 28.90.990(a)(20) is amended to read:

18 (20) "motor-driven cycle" means a motorcycle, motor scooter,
19 motorized bicycle, or similar conveyance with a motor attached and having an engine
20 with 50 or less cubic centimeters of displacement; **"motor-driven cycle" does not
21 include an electric-assisted bicycle;**

22 * **Sec. 10.** AS 28.90.990(a) is amended by adding new paragraphs to read:

23 (33) "bicycle" includes an electric-assisted bicycle;

24 (34) "class 1 electric-assisted bicycle" means a bicycle equipped with
25 an electric motor that provides assistance only when the rider is pedaling and that
26 stops providing assistance when the bicycle reaches the speed of 20 miles per hour;

27 (35) "class 2 electric-assisted bicycle" means a bicycle equipped with
28 an electric motor that may be used exclusively to propel the bicycle and that stops
29 providing assistance when the bicycle reaches the speed of 20 miles per hour;

30 (36) "class 3 electric-assisted bicycle" means a bicycle equipped with
31 an electric motor that provides assistance only when the rider is pedaling and that

1 stops providing assistance when the bicycle reaches the speed of 28 miles per hour;

2 (37) "electric-assisted bicycle" means a bicycle that

3 (A) is designed to travel with not more than three wheels in
4 contact with the ground;

5 (B) has fully operative pedals for human propulsion;

6 (C) has a seat or saddle for use of the rider;

7 (D) is equipped with an electric motor that has a power output
8 of not more than 750 watts; and

9 (E) is a class 1, class 2, or class 3 electric-assisted bicycle.

10 * **Sec. 11.** AS 41.23 is amended by adding a new section to article 1 to read:

11 **Sec. 41.23.300. Definitions.** In AS 41.23.010 - 41.23.300,

12 (1) "bicycling" includes the operation of an electric-assisted bicycle;

13 (2) "electric-assisted bicycle" has the meaning given in
14 AS 28.90.990(a).

15 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).